



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Regional Director

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO**

**Robert L. Yeatman & John B. Yeatman
FOR**

**Hard Rock Concrete
VPDES Permit No. VAG11
Registration No. VAG110067**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the Virginia Department of Environmental Quality and Robert L. Yeatman & John B. Yeatman regarding the Hard Rock Concrete facility for the purpose of resolving certain violations of the State Water Control Law and the applicable permit and regulation.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "305(b) report" means the report required by Section 305(b) of the Clean Water Act (33 United States Code § 1315(b)), and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

3. “Director” means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. “Discharge” means discharge of a pollutant. 9 VAC 25-31-10.
5. “Discharge of a pollutant” when used with reference to the requirements of the VPDES permit program means:
 - a. Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
 - b. Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.
6. “DMR” means Discharge Monitoring Report.
7. “Effluent” means wastewater – treated or untreated – that flows out of a treatment plant, sewer, or industrial outfall.
8. “Facility” or “Plant” or “Site” means the Hard Rock Concrete facility, located at 6650 James Madison Highway in Haymarket, Prince William County, Virginia, owned and operated by the Yeatmans.
9. “mg/L” means milligrams per liter.
10. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
11. “NRO” means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
12. “O&M” means operations and maintenance.
13. “Order” means this document, also known as a “Consent Order” or “Order by Consent,” a type of Special Order under the State Water Control Law.
14. “Permit” means VPDES Permit No. VAG11, the VPDES General Permit for Concrete Products Facilities, which was issued under the State Water Control Law and the Regulation on January 1, 2019 and which expires on December 31, 2023. The Yeatmans applied for coverage under the Permit for the Facility, and were issued Registration No. VAG110067 on December 28, 2018, with an effective date of coverage of January 1, 2019.
15. “Pollutant” means any substance, radioactive material, or heat which causes or contributes to, or may cause or contribute to pollution. 9 VAC 25-210-10.

16. "Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Department, are "pollution." Va. Code § 62.1-44.3; 9 VAC 25-210-10.
17. "Regulation" means the VPDES Permit Regulation, 9 VAC 25-31-10 *et seq.*
18. "S.U." means Standard Units.
19. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.
20. "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.
21. "SWPPP" means stormwater pollution prevention plan.
22. "TSS" means Total Suspended Solids.
23. "Va. Code" means the Code of Virginia (1950), as amended.
24. "VAC" means the Virginia Administrative Code.
25. "VPDES" means Virginia Pollutant Discharge Elimination System.
26. "Warning Letter" or "WL" means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.
27. "Yeatmans" means Robert L. Yeatman & John B. Yeatman. The Yeatmans are a "person" within the meaning of Va. Code § 62.1-44.3.

SECTION C: Findings of Fact and Conclusions of Law

1. The Yeatmans own the Facility and manage its operations. The Facility is a 2.3-acre ready-mix concrete plant that produces approximately 30-40 yards of concrete per day on

site. The concrete is loaded onto delivery trucks at the Facility, and upon return of the trucks, leftover/excess concrete is used to produce large concrete blocks.

2. The Permit allows the Yeatmans to discharge process wastewater that may contain input from vehicle wash water, and may be commingled with stormwater associated with industrial activity, to an unnamed tributary of North Fork Broad Run, in strict compliance with the terms and conditions of the Permit.
3. Based on DEQ's 2020 305(b) report, the unnamed tributary of North Fork Broad Run that receives discharges from the Facility has been neither monitored nor assessed. North Fork Broad Run is located approximately 0.19 mile downstream and is impaired for recreation use due to bacteria monitoring data (*E. Coli*), and the impairment is part of the downstream Occoquan River bacteria Total Maximum Daily Load (TMDL) for the Broad Run watershed. The aquatic life use is considered fully supporting based on benthic macroinvertebrate bioassessment and conventional parameter data. In previous assessment cycles, there was insufficient data to assess the fish consumption and public water supply uses; since no new data have been collected, the assessment of insufficient information for these uses remains. The wildlife use was not assessed.

Lake Manassas is located approximately 3 miles downstream from the Facility. Based on DEQ's 2020 305(b) report, the aquatic life use for Lake Manassas is fully supporting, nutrients were assessed as fully supporting, and the fish consumption, public water supply, wildlife use, and recreation uses were not assessed.

4. In submitting their DMRs for Outfall 001 as required by the Permit, the Yeatmans reported exceedances of permit effluent limits contained in Part 1.A.1 of the Permit as follows:
 - a. January 1 through March 31, 2022 DMR:
 - i. Reported a maximum pH of 10.2 S.U., compared to a permitted maximum limit of 9.0 S.U.
 - b. October 1 through December 31, 2021 DMR:
 - i. Reported a TSS monthly concentration average of 62 mg/L, compared to a permitted average maximum limit of 30 mg/L.
 - ii. Reported a TSS monthly concentration maximum of 62 mg/L, compared to a permitted maximum limit of 60 mg/L.
 - iii. Reported a maximum pH of 11.0 S.U., compared to a permitted maximum limit of 9.0 S.U.
 - c. July 1 through September 30, 2021 DMR:
 - i. Reported a TSS monthly concentration average of 286 mg/L, compared to a permitted average maximum limit of 30 mg/L.
 - ii. Reported a TSS monthly concentration maximum of 286 mg/L, compared to a permitted maximum limit of 60 mg/L.

- iii. Reported a maximum pH of 10.7 S.U., compared to a permitted maximum limit of 9.0 S.U.
 - d. April 1 through June 30, 2021 DMR:
 - i. Reported a TSS monthly concentration average of 148 mg/L, compared to a permitted average maximum limit of 30 mg/L.
 - ii. Reported a TSS monthly concentration maximum of 148 mg/L, compared to a permitted maximum limit of 60 mg/L.
 - iii. Reported a maximum pH of 10.83 S.U., compared to a permitted maximum limit of 9.0 S.U.
5. The DMR for Outfall 001 for the April 1 through June 30, 2021 monitoring period was submitted to DEQ as an electronic scan via email and DEQ has not received a hardcopy with original signature.
6. Part III.C.1 of the Permit states: "The permittee shall submit the results of the monitoring required by this permit not later than the 10th day of the month after monitoring takes place, unless another reporting schedule is specified elsewhere in this permit. Monitoring results shall be submitted to the department's regional office."
- And, Condition 13 of the DMR General Instructions states: "Send the completed form(s) with original signatures to your Department of Environmental Quality Regional Office by the 10th of each month unless otherwise specified in the permit."
7. On February 9, 2021, DEQ conducted a technical and laboratory inspection and a review of Facility records. An inspection report with requested corrective actions was issued to the Yeatmans on March 18, 2021. A response to the inspection and inspection report was received by DEQ from a representative of the Yeatmans on April 19, 2021.
8. The Facility O&M Manual presented to DEQ staff during the February 2021 compliance inspection was dated February 2005 and the listed permit-required sampling parameters and frequencies were incorrect.
9. Part I.B.8 of the Permit states: "Operation and maintenance (O&M) manual. Within 180 days after the date of coverage under this general permit, the permittee shall develop or review and update, as appropriate, an O&M manual for the permitted facility. The O&M manual shall include procedures and practices for the mitigation of pollutant discharges for the protection of state waters from the facility's operations and to ensure compliance with the requirements of the permit. The manual shall address, at a minimum: (1) O&M practices for the process wastewater treatment units, if applicable, and chemical and material storage areas; (2) Methods for estimating process wastewater flows, if applicable; (3) Management and disposal procedures of process wastewater solids, if applicable; (4) Temporary and long-term facility closure plans that shall include (i) treatment, removal, and final disposition of residual wastewater, if applicable, contaminated stormwater held at the facility, and solids; (ii) fate of structures; (iii) a removal plan for all exposed industrial materials; and (iv) description of the stabilization

of land in which they were stored or placed; (5) Testing requirements and procedures; (6) Recordkeeping and reporting requirements; and (7) Duties and roles of responsible officials. b. The permittee shall operate the treatment works in accordance with the O&M manual. The O&M manual shall be reviewed and updated at least annually and shall be signed and certified in accordance with Part III K of this permit. The O&M manual shall be made available for review by department personnel upon request. c. For facilities that do not operate process wastewater treatment units, O&M requirements included in Part I 8 a (4) through 8 a (7) shall be included in either the O&M manual or the SWPPP.”

10. The SWPPP for the Facility presented to DEQ staff during the February 2021 compliance inspection was dated February 2005 and did not have an updated material inventory, and was missing significant items from the site map that were newer than 2005 (level 3 area and propane tanks on level 2 area).

11. Part II.F of the Permit states in part: “Stormwater pollution prevention plans (SWPPP). A SWPPP shall be developed and implemented for the facility. The SWPPP shall include best management practices (BMPs) that are reasonable, economically practicable, and appropriate in light of current industry practices. The BMPs shall be selected, designed, installed, implemented, and maintained in accordance with good engineering practices to eliminate or reduce the pollutants in all stormwater discharges from the facility. The SWPPP shall also include any control measures necessary for the stormwater discharges to meet applicable water quality standards.”

Part II.F.1.a of the Permit states: “Deadlines for SWPPP preparation and compliance. a. Owners of facilities that were covered under the 2013 Concrete Products General Permit who are continuing coverage under this general permit shall update and implement any revisions to the SWPPP within 60 days of the board granting coverage under this permit.”

And, Part II.F.3 of the Permit states: “Maintaining an updated SWPPP. The permittee shall review and amend the SWPPP as appropriate whenever: a. There is construction or a change in design, operation, or maintenance that has a significant effect on the discharge or the potential for the discharge of pollutants to surface waters; b. Routine inspections or visual monitoring determine that there are deficiencies in the BMPs; c. Inspections by local, state, or federal officials determine that modifications to the SWPPP are necessary; d. There is a spill, leak, or other release at the facility; or e. There is an unauthorized discharge from the facility.”

12. During the February 2021 compliance inspection and file review, DEQ staff observed that quarterly routine facility inspections had not been performed at the Facility throughout 2018, 2019, and 2020.

13. Part II.F.6.f.(5) of the Permit requires that quarterly routine facility inspections be performed and documented by Facility personnel who possess the knowledge and skills to adequately perform such inspections.

14. During the February 2021 compliance inspection and file review, DEQ staff observed that an annual outfall evaluation for the presence of unauthorized discharges was not performed for Outfall 001 at the Facility in 2018, 2019, and 2020.
15. Part II.F.8.b of the Permit requires that all Facility outfalls be evaluated annually for the presence of unauthorized discharges, and that documentation of such evaluations be maintained in the Facility's SWPPP.
16. During the February 2021 compliance inspection, there was no documentation of employee stormwater training having been conducted in 2018, 2019, or 2020 in the SWPPP or otherwise provided to DEQ during or immediately following the inspection.
17. Part II.F.6.f.(6) requires the Yeatmans to implement an employee stormwater training program for the Facility and to document in the SWPPP a summary of any training performed.
18. During the February 2021 compliance inspection, no documentation was provided to DEQ to demonstrate compliance with freeboard requirements and corresponding record keeping requirements regarding the onsite settling basin and equalization pond.
19. Part I.B.10 of the permit states: "The permittee shall ensure that all process wastewater basins and lagoons maintain a minimum freeboard of one foot at all times except during a 72-hour transition period after a measurable rainfall event. During the 72-hour transition period, no discharge from the basins and lagoons shall occur unless it is in accordance with this permit. Within 72 hours after a measurable rainfall event, the freeboard in all basins and lagoons shall be returned to the minimum freeboard of one foot. Where basins are operated in a series mode of operation, the one-foot freeboard requirement for the upper basins may be waived provided the final basin will maintain the freeboard requirements of this special condition. A description of how the permittee will manage the facility to adhere to one foot of freeboard shall be included in the O&M manual required in Part I B 8 a (1). Should the one-foot freeboard not be restored by the end of the 72-hour transition period, the permittee shall take measures to correct the problem before the next rain event. In addition, the permittee shall immediately begin to monitor and document the freeboard on a daily basis until the freeboard is returned to the minimum of one foot."
20. During the February 2021 compliance inspection, DEQ staff made the following observations regarding management of stormwater discharge areas:
 - a. Stains/spill residue was observed at the base of a 500-gallon diesel fuel storage tank.
 - b. Snow removal activities in an area had resulted in aggregate material being pushed off the concrete pad into the riparian area of North Fork Creek, and the area being generally sloped toward the creek and not the lower sedimentation basin.

- c. Aggregate material deposition was observed at an unpermitted discharge point/outfall in the riparian area leading to North Fork Creek and the SWPPP for the Facility did not specify a stormwater management practice for the location.
21. Part II.F.6.f.(2) of the Permit states: “Good housekeeping measures. Good housekeeping requires the clean and orderly maintenance of areas that may contribute pollutants to stormwater discharges. The permittee shall keep clean all exposed areas of the facility that are potential sources of pollutants in stormwater. Particular attention should be paid to areas where raw materials are stockpiled, material handling areas, storage areas, liquid storage tanks, vehicle fueling and maintenance areas, and loading or unloading areas. The SWPPP shall describe procedures performed to prevent or minimize the discharge of: spilled cement, aggregate (including sand and gravel), kiln dust, fly ash, settled dust, or other significant material in stormwater from paved portions of the site that are exposed to stormwater. Sweep or vacuum paved surfaces of the site that are exposed to stormwater at regular intervals or use other equivalent measures to minimize the potential discharge of these materials in stormwater. Indicate in the SWPPP the frequency of sweeping, vacuuming, or other equivalent measures. Determine the frequency based on the amount of industrial activity occurring in the area and the frequency of precipitation, but sweeping, vacuuming, or other equivalent measures shall be performed at least once a week in areas where cement, aggregate, kiln dust, fly ash, or settled dust are being handled or processed. Prevent the exposure of fine granular solids (including cement, fly ash and kiln dust) to stormwater, where practicable, by storing these materials in enclosed silos, hoppers, or buildings or under other covering. The generation of dust and off-site vehicle tracking of raw, final or waste materials, or sediments shall be minimized.”
 22. Part II.F.8 of the Permit states: “Management of runoff. The SWPPP shall describe the stormwater run-off management practices (i.e., permanent structural BMPs) for the facility. These types of BMPs are typically used to divert, infiltrate, reuse, or otherwise reduce pollutants in stormwater discharges from the site. Appropriate measures may include: vegetative swales and practices, reuse of collected stormwater (such as for a process or as an irrigation source), inlet controls (such as oil/water separators), snow management activities, infiltration devices, wet detention/retention devices; or other equivalent measures. Some structural BMPs may require a separate permit under § 404 of the Clean Water Act and the Virginia Water Protection Permit Program Regulation (9VAC25-210) before installation begins.”
 23. Part I.B.17 of the Permit states: “Adding or deleting outfalls. The permittee may add new or delete existing outfalls at the facility as necessary and appropriate. The permittee shall update the O&M manual and SWPPP and notify the department of all outfall changes within 60 days of the change. The permittee shall submit an updated registration statement including an updated SWPPP site map.”
 24. Va. Code § 62.1-44.5 states that: “[E]xcept in compliance with a certificate issued by the Department, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances.”

25. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Department, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
26. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.
27. The Department has issued no permits or certificates to the Yeatmans for the Facility other than VPDES Permit Registration No. VAG110067.
28. The unnamed tributary of North Fork Broad Run that receives discharges from the Facility is a surface water located wholly within the Commonwealth and is a “state water” under State Water Control Law.
29. DEQ issued the following three Warning Letters and two Notices of Violation to the Yeatmans:
 - a. WL No. W2021-04-N-1002 dated April 21, 2021;
 - b. WL No. W2021-08-N-1029 dated August 15, 2021;
 - c. WL No. W2021-11-N-1002 dated November 23, 2021;
 - d. NOV No. W2022-02-N-0005 dated February 28, 2022; and
 - e. NOV No. W2022-05-N-0002 dated June 2, 2022.
30. The Yeatmans corresponded with DEQ throughout the enforcement process, having a conference call with DEQ on March 22, 2022, and submitting written responses to the NOVs on April 1, 2022 and June 6, 2022.
31. Based on DEQ’s Facility inspection and file review performed February 2021, the inspection response received by DEQ on April 19, 2021, the conference call held March 22, 2022, the written NOV replies received March 30 and June 6, 2022, and related correspondence between DEQ and the Yeatmans and/or their representatives, the Department concludes that the Yeatmans have violated 9 VAC 25-31-50 and Parts I.A.1, I.B.8, I.B.10, I.B.17, II.F, II.F.3, II.F.6.f.(2), II.F.6.f.(5), II.F.6.f.(6), II.F.8.b, and III.C.1 of the Permit and Condition 13 of the DMR general instruction section as issued with the Permit, as described above in paragraphs C(1) through C(29).
32. As summarized below, in responding to the NOVs and requests from DEQ, adequate documentation has been submitted demonstrating corrective actions were completed to address all violations listed above.
 - a. An updated/revised SWPPP and O&M Manual for the Facility were submitted to DEQ in March 2022.

- b. Documentation of an annual outfall evaluation for unauthorized discharges for 2022 and quarterly stormwater inspections for the 3rd and 4th Quarter of 2021 and the 1st Quarter of 2022 were submitted to DEQ on April 6, 2022.
- c. Documentation of an annual outfall evaluation for unauthorized discharges for 2021, documentation of employee stormwater training for 2022, and documentation confirming completion of corrective actions related to the February 2021 Facility inspection were submitted to DEQ on July 7, 2022.
- d. A hardcopy DMR with original wet signature for the April 1 through June 30, 2021 monitoring period was received by DEQ on July 14, 2022.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Department orders the Yeatmans, and the Yeatmans agrees to pay a civil charge of **\$16,564.06** within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

The Yeatmans shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, the Yeatmans shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Department may modify, rewrite, or amend this Order with the consent of the Yeatmans for good cause shown by the Yeatmans, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV No. W2022-05-N-0002 dated June 2, 2022, NOV No. W2022-02-N-0005 dated February 28, 2022, WL No. W2021-11-N-1002 dated

November 23, 2021, WL No. W2021-08-N-1029 dated August 15, 2021, and WL No. W2021-04-N-1002 dated April 21, 2021. This Order shall not preclude the Department or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.

3. For purposes of this Order and subsequent actions with respect to this Order only, the Yeatmans admit the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. The Yeatmans consent to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. The Yeatmans declare they have received fair and due process under the Administrative Process Act and the State Water Control Law and they waive the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Department to modify, rewrite, amend, or enforce this Order.
6. Failure by the Yeatmans to comply with any of the terms of this Order shall constitute a violation of an order of the Department. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Department or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. The Yeatmans shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. The Yeatmans shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The Yeatmans shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;

- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

- 9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
- 10. This Order shall become effective upon execution by both the Director or his designee and the Yeatmans. Nevertheless, the Yeatmans agree to be bound by any compliance date which precedes the effective date of this Order.
- 11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after the Yeatmans have completed all of the requirements of the Order;
 - b. The Yeatmans petition the Director or his designee to terminate the Order after they have completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Department terminates the Order in his or its sole discretion upon 30 days' written notice to the Yeatmans.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve the Yeatmans from their obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

- 12. Any plans, reports, schedules or specifications attached hereto or submitted by the Yeatmans and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
- 13. Any documents to be submitted pursuant to this Order shall be submitted by the Yeatmans or an authorized representative of the Yeatmans.
- 14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no

representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By their signature below, the Yeatmans voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 9th day of December, 2022.



Thomas A. Faha, Regional Director
Department of Environmental Quality


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Consent Order

Robert L. Yeatman & John B. Yeatman; VPDES Permit Registration No. VAG110067

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Robert L. Yeatman & John B. Yeatman voluntarily agree to the issuance of this Order.

Date: 10/3/22 By: , President
(Person) (Title)
Robert L. Yeatman

Date: 10/3/22 By: , Vice President
(Person) (Title)
John B. Yeatman